HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1572 OF 1987.

Shankar Dnyanu Ingale & Ors. Petitioners.

Versus.

State of Maharashtra & Ors. ..Respondents.

Shri. S. V. Sadavarte for the petitioners.

CORAM: S.B.MHASE &
D.G.KARNIK, JJ.

DATE : FEBRUARY 22, 2006.

P.C.

1. This matter was placed on board for orders on account of the non removal of the office objections. Learned counsel for the petitioner prays for time to remove office objections. We are of the view that time to remove office objections should not be extended for the reasons mentioned below.

2. A notification was issued for acquistion of the petitioners' land for the purpose of rehabilitation of the project affected and displaced persons. The petitioners filed this writ petition in the year 1987 challenging the acquisition and obtained the interim relief. Thereafter the petitioners have managed to ensure that the matter is not heard and

thereby the interim relief is perpetuated. The petitioner did not file the affidavit-in-support of the petition nor was the petition sworn in. Office objections were taken out, inter-alia, stating that the petition was not affirmed nor any affidavit-in-support of the petition was filed. The petitioner did not remove the office objections and we have reason to believe that the petitioner managed to see that the matter is not listed on board for several years. The matter was notified on board for orders on account of non removal of the office objections, and was dismissed by an order dated 6th December 1996 of the Additional Registrar. The petitioner thereafter applied for restoration by a civil application. The civil application was allowed and the matter was restored by the Court's order dated 16th July 2001. Even thereafter the petitioner did not remove the office objections. Though, the office objections were not removed the matter was not listed before the Court for orders. This could not have happened without the connivance of some officials of the Court. It is only when we directed the registry to list all old pending matters before us serially that this matter is listed on board today.

3. The petitioner has not removed the office

objections. He was aware of the office objections, at least since the year 2001, when the matter was restored on his civil application being allowed. Thus, the conduct of the petitioner is far from bonafide. After having obtained the ad-interim relief he has ensured that the matter would not become ready for hearing and the interim relief is perpetuated.

4. In the circumstances, we are not inclined to extend the time for removal of the office objections. Writ petition is dismissed for non removal of the office objections. Interim relief stands vacated.

(D.G.KARNIK,J.) **(S.B.MHASE, J.)**